

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

CYNTHIA G. EBERLY, *Individually and as*
Executrix of the Estate of Bryan L. Eberly, deceased,
Plaintiff

v.

FIREMEN'S INSURANCE COMPANY
OF WASHINGTON, D.C.;
BERKLEY INSURANCE COMPANY;
BERKLEY MID-ATLANTIC GROUP,
Defendants

No. 5:20-cv-05471

ORDER

AND NOW, this 13th day of July, 2021, upon consideration of Defendants' Motion to Dismiss and the briefs in response thereto, and for the reasons set forth in the Opinion issued this date, **IT IS ORDERED THAT:**

1. The Motion to Dismiss, ECF No. 5, is **GRANTED**.
2. The Complaint, *see* ECF No. 1-4, is **DISMISSED** as follows:
 - A. The claims for more than \$35,000 in UIM coverage are dismissed without prejudice.
 - B. The claims regarding stacking are dismissed with prejudice.
3. **No later than August 2, 2021**, Plaintiff may file an amended complaint regarding her claims for more than \$35,000 in UIM coverage. If Plaintiff fails to timely file an amended complaint, all claims will be dismissed with prejudice and the case will be closed.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge